

N.C.P.I.-Crim. 207.97
SEXUAL [CONTACT] [PENETRATION] UNDER PRETEXT OF MEDICAL
TREATMENT – REPRESENTATIONS. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2020
N.C. Gen. Stat. § 14-27.33A(b).

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The defendant has been charged with sexual [contact]
[penetration] under pretext of medical treatment.

For you to find the defendant guilty of this offense, the state must
prove three things beyond a reasonable doubt:

First, that the defendant undertook medical treatment of a patient.
Medical treatment includes an examination or procedure. A patient is a
person who has undergone or is seeking to undergo medical treatment.

Second, that, in the course of that medical treatment, the
defendant represented to the patient that sexual [contact] [penetration]
between the defendant and the patient [was necessary] [would be
beneficial to the patient's health].

[Sexual contact is the intentional touching of a person's intimate
parts or the intentional touching of the clothing covering the immediate
area of the person's intimate parts, if that intentional touching can
reasonably be construed as being for the purpose of sexual arousal or
gratification, done for a sexual purpose, or done in a sexual manner.]

[Sexual penetration is [sexual intercourse] [cunnilingus] [fellatio]
[anal intercourse] [any intrusion, however slight, of any part of a
person's body or of any object into the genital or anal openings of
another person's body, regardless of whether semen is emitted, if that
intrusion can reasonably be construed as being for the purpose of sexual
arousal or gratification, done for a sexual purpose, or done in a sexual
manner.]

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And Third, that the defendant induced the patient to engage in sexual [contact] [penetration] with the defendant by means of the representation.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant undertook medical treatment of a patient, that in the course of that medical treatment the defendant represented to the patient that sexual [contact] [penetration] between the defendant and the patient [was necessary] [would be beneficial to the patient's health], and that the defendant induced the patient to engage in sexual [contact] [penetration] with the defendant by means of the representation, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.